

Serial No. 10/081,699
Restriction Requirement Dated December 30, 2003
Reply to Office Action Dated December 2, 2003

REMARKS

Claims 1-17 are presently pending in the application.

Election of Species

The Office Action sets forth a requirement under 35 U.S.C. § 121 for an election of a single species from those specified as follows:

A: Image forming method 1, Figures 5A and 5B, drawn to setting the liquid crystal to a crystal phase forming a visible image, and discoloring; and

B: Image forming method 2, drawn to setting to a liquid crystal phase, forming a latent image (isotropic phase), and developing color.

Applicant elects species A (forming method 1) without traverse.

Claims readable on elected species A are claims 1, 2, 4-13, and 15-17. Claims 1, 4, 10, 11, and 13 are generic to both species A and B.

Comments on Alleged Inconsistencies

The present Office Action alleges the presence of inconsistencies in claims 4, 5, 7-9, 13, and 14-17.

With respect to claim 4, as the Office Action points out claim 4 recites in part “in the first heating process, the liquid crystal that has been heated to the first temperature is rapidly cooled down.” In connection with this portion of claim 4, the Office Action states that “if the liquid crystal is heated ...heating cannot therefore rapidly cool down liquid crystal.” In response, it is respectfully pointed out that claim 4 does not recite heating (i.e., the application of heat) for rapid cooling; rather, the claim recites a *process* that

includes rapid cooling. It is respectfully asserted that one skilled in the art would appreciate that a heating process can include steps of heating and cooling.

With respect to claim 5, the Office Action alleges that claim 5 is “unclear as well for similar reasons [as claim 4]” so it is respectfully asserted that the above remarks in connection with claim 4 apply equally to claim 5.

With respect to claim 7, as the Office Action points out claim 7 recites “in the second heating process, the liquid crystal that has been heated is rapidly cooled down.” In connection with this portion of claim 7, the Office Action states that “if the liquid crystal is heated ...heating cannot therefore rapidly cool down the liquid crystal.” In response, it is respectfully pointed out that claim 7 does not recite heating (i.e., the application of heat) for rapid cooling; rather, the claim recites a *process* that includes rapid cooling. It is respectfully asserted that one skilled in the art would appreciate that a heating process can include steps of heating and cooling.

With respect to claims 8 and 9, the Office Action alleges that claims 8 and 9 are “unclear as well for similar reasons [as claim 7]” so it is respectfully asserted that the above remarks in connection with claim 7 apply equally to claims 8 and 9.

With respect to claim 13, as the Office Action points out claim 13 recites “changing a color of a portion of said area by heating said portion to a second temperature lower than said first temperature.” In connection with this portion of claim 13, the Office Action states that “[t]he portion of the area subjected to heating will be at the first temperature and cannot be heated to a subsequently lower temperature than (sic) the first temperature.” In response, it is respectfully pointed out that claim 13 does not recite that the portion of the area subjected to the heating to the second temperature is necessarily done while that portion is “at the first temperature.” In other words, claim 13 allows for at least an interposed step of cooling. It is respectfully asserted that one skilled in the art would appreciate that the claimed method can include steps not explicitly recited in the claim, including a cooling step as taught by the specification at paragraph 26.

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With respect to claims 14-17, the Office Action alleges that claims 14-17 are "unclear for similar reasons [as claim 13]" so it is respectfully asserted that the above remarks in connection with claim 13 apply equally to claims 14-17.

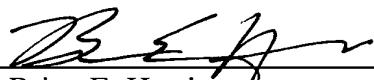
CONCLUSION

In view of the foregoing remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed. Any other fee required by this document, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

By:



Brian E. Harris
Registration No. 48,383
Agent for Applicant

BEH/jkk
SIDLEY AUSTIN BROWN & WOOD LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Direct: (214) 981-3461
Main: (214) 981-3300
Facsimile: (214) 981-3400
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